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It is stated in the *William and Mary Quarterly* that Rev. James Wallace married in 1695, Anne, daughter of John Sheppard, and widow of Thomas Wythe (grandfather of George Wythe), and had issue: 1. Euphan (1697–1717), married, first, Wilson Roscow; second, William Dandridge; 2. Captain James, married Martha ——; 3. Ann, married Colonel Robert Armistead. Perhaps other issue, as Ann Wallace in her will (proved 1740), names also grandchildren Mary and James Westwood, grandson Mathew Ballard, and grandson George Wythe.

The tomb of Rev. James Wallace is at his home "Erroll" Elizabeth City county, and bears arms: *A lion rampant.* Crest: *An ostrich's head and neck holding a horseshoe.* The epitaph states that he was from Erroll, Perthshire, Scotland; had been minister of Elizabeth City for twenty-one years, and died November 3, 1712, in his forty-fifth year.

REV. JOHN MONRO, of St. John's parish, King William county. The tomb of his widow, Mrs. Christian Monro, who died September 23, 1725, is under the floor of Bruton Church. Their daughter, Mary, married John Blair, President of the Council.

Notes from Council and General Court Records, 1641-1659.

BY THE LATE CONWAY ROBINSON, ESQ.

[Not the least among the many services rendered by Mr. Robinson to the cause of Virginia history, was the making of an extensive series of notes and abstracts from the Colonial records, which were destroyed in the old General courthouse, on evacuation day, 1865. The destruction of this courthouse was the greatest loss our historical archives and records of land titles ever sustained. Some idea of the value of the contents may be obtained from Dr. W. P. Palmer's very valuable preface to the first volume of the *Calendar of Virginia State Papers.* There were also

destroyed here the records of the Court of Appeals, and of a number of county courts which had been brought to Richmond for safety. It is a curious commentary on the character of historic work in Virginia prior to the last fifteen years, that in one of the early numbers of the *Southern Literary Messenger*, about 1840, a gentleman of culture writes a jeremiade over the fact that Virginia had no records left, and especially that all of the records (most of which were then preserved in the General courthouse), had been destroyed in the Revolution. It never seems to have occurred to this gentleman, or to any of the readers of his letter, to investigate the matter. Even Charles Campbell, who did know the value of manuscripts, rarely, if ever, refers to these General Court records, or indeed the records in the council chamber, which still exist, and have been printed in the Calenders. This gross neglect of priceless historic material is not by any means a past evil, as the entire carelessness and utter lack of appreciation shown by the custodians of many county records show. The blame for this neglect does not rest on the clerks alone, but on the county judges as well. The counties of Chesterfield, Henrico, Surry, Isle of Wight, York, Albemarle, Essex, and some others, are exceptions to this charge, and the gentlemen who hold the respective clerkships deserve the thanks of all who have regard for Virginia history.

While the notes here published are brief, and seem to a considerable extent to have been made to aid Mr. Robinson in further investigations, yet in the total destruction of the records from which they were made, they become valuable.

Copies of Mr. Robinson's notes and transcripts have already been published in this magazine as follows: Decisions of the General Court, 1626–1628, III, 359–367; IV, 23–27, 154–160, 246–252, 376–379; the same from April, 1640 to April 13, 1641, V, 233–241, 361–368; and from June, 1665 to September, 1667, V, 22–29, 113–118.]

The first entry of Sir William Berkeley, sitting as governor in the quarter court at James city is on the 8th of March, 1641 (old style). On that day by virtue of a commission from the king of the tenth of August, in the 17th year of his reign, Sir Wil-

liam Berkeley and Richard Kemp[1] administered the oath of a counsellor to John West,[2] Esqr. and Humphrey Higgison,[3] Esqr., as also the oaths of allegiance and supremacy according to custom. The oaths were also administered to William Bernard,[4] Esqr., and then the court on that day was composed of the five gentlemen just named and Christopher Wormley,[5] Esqr., Henry Browne,[6] Esqr., Thomas Pettus,[7] Esqr. Other counsellors sitting this term: George Menifie,[8] Esq., Sir Francis Wyatt,[9] Knt., William Pierce,[10] Esqr., Samuel Mathews,[11] Esqr., William Brocas,[12] Esqr., Thos. Willoughby,[13] Esqr. During the same term oaths administered to Richard Bennett,[14] Esqr., and Nathaniel Littleton,[15] Esqr.

March 8, 1641. "At this court the governor hath elected Henry Poole high sheriff of the county of Elizabeth city for this ensuing year, with the powers, privileges and perquisites belonging to the said office and place, willing and requiring the commission of the county to administer the accustomed oaths of a sheriff unto him at their next monthly court."—*General Court Orders*, No. 2, p. 37.

Election of sheriffs of James, Upper Norfolk, Isle of Wight, Charles city, Charles River, Warwick River, Henrico and Lower Norfolk.—P. 79 and 80.

March 8, 1641. It is ordered by this court that Nicholas Hill shall make his appearance at the next assembly upon the 20th day of this instant (March), there to answer the suit of David Jones and the said Jones is hereby required to send a copy of his petition with his order to the sheriff of Elizabeth city to be delivered to the said Hill that hereby he may prepare himself for his answer.—*General Court Orders*, No. 2, p. 37.

March 9. It is ordered by this court that there be a general notice given to all the parishioners of this county for their meeting at James city for electing of a vestry, which notice is to be given by the minister upon Sunday next.—*General Court Orders*, No. 2, p. 41.

March 10. Upon the representation of Sr. Francis Wyatt, Knt., that whereas by order of court in October last, captain Henry Browne was suspended from the council, the said Sr. Francis Wyatt hath therefore desired the opinion of the board that the said Captain Browne should, by order of his Majesty's

commission, be reconfirmed in the place of a counsellor and for the other part of the petition to be referred to the consideration of the next general assembly.—*General Court Orders*, No. 2, p. 43.

March 17, '41. Mode of granting land, case of Henry Heyrick[16] [No. 2, p. 60], Sr. Francis Wyatt, p. 76. Grant of a commission to trade with English, Dutch or Natives.—No. 2, p. 60, 62, 81.

March 20, 1641. The governor and council upon serious consideration had of the many weighty affairs to be treated on at this grand Assembly, which council be duly attended by them by reason of the frequent interruption occasioned to them by hearing of private causes, do therefore order that publication shall be made that after this present three and twentieth of March, there shall be no private causes admitted to the court except such as are at this court referred to a fixed day or such as shall concern as a party some member of this grand assembly.—No. 2, p. 66.

March 24, 1641. Whereas Samuel Chandler,[17] attorney of the executors of the lady Elizabeth Dale, did this day petition the board for divers lands granted by the old treasurer and company to Sr. Thomas Dale, Knt., long since deceased.

March 29, 1642. Case of Burbage *vs.* Bullock.—No. 2, p. 74.

Concerning the building of a church at James city.—P. 55–6, 83, 142–3, 283–4.

June 7, 1642. Mode of granting administration.

June 7, 1642. Judgement for slandering an officer.—P. 83.

June 28, 1642. Commissions of mónthly courts renewed and names of commissioners [p. 109, 110, 111, 133], Clerk of York [p. 134], Sheriff of York [p. 164], Sheriff of Elizabeth city [p. 165, 199, 201, 222], Sheriff of James city [p. 168], Sheriff of Warwick [p. 174], Isle of Wight [p. 175], Lower Norfolk [p. 180], Upper Norfolk [p. 180], who spend writs in Accomack [p. 221], Commander of Lower Norfolk [p. 342], Isle of Wight [p. 343].

July 31, 1642 [p. 111]. New counsellor elected and sworn vz: Geo. Ludlow[18] & Richard Townsend[19] in consequence of discontinuences of others. Thomas Stegg.

Oct. 5, 1642 [p. 119]. Recital of application of Leonard

Calvert, Esqr., of Maryland, for assistance of 100 men against the indians, and order therefore.

Oct. 5. 1642 [p. 119]. Course pursued in settling new plantation upon Pianketank. Recital of outrages committed by indians & course therefore. [P. 136.] Person near the indians drawn off his plantation.—P. 235.

Oct. 6, 1642. Course pursued when commission was granted to trade on the bay—P. 133.

Oct. 6, 1642. Order when matrimony was contracted without master's consent.—P. 121.

Oct. 6, 1642. Concerning payment of debts in tobacco.—P. 121, 2.

Oct. 6, 1642. Names of guardes to be set to every outset and recorded.

October 10, 1642. Permission to keep an indian boy, instructing him in christian religion.—P. 130.

Reparation to a doctor charged with murder.—P. 131.

On what cattle levy was laid by. [133, 4.] How list was obtained.—*Id.*, 127.

Nov. 29, 1642. Governor and council attended by a minister. [P. 147.] Course when he failed to attend.

Dec. 1, 1642. Course to cause attendance of a sufficient number of the counsel.—P. 150, 342.

Dec. 1, 1642. Course pursued to compel restitution of servants by Governor of Maryland.—P. 150, 51.

Dec. 1, 1642. Commissions not to be jointly impleaded as such. [P. 154.] Judgement against troublesome fellow who instituted such a proceeding.—P. 154.

March 8, 1642-3. Provision for captain of the fort.—P. 154.

Jan. 1, 1643. General orders against persons trading without commission.—P. 182-3.

Jan. 4, 1643. Punishment for drunkenness, disturbance of the peace, and bloodshed.—P. 185.

Governor had valuable office land at the Green Spring.—P. 186.

Jan. 5, 1643. Gen'l order in relation to servants guilty of misconduct. [P. 187.] Special orders.—P. 221, 222.

Jan. 5, 1643. [P. 187.] Letter from King having arrived

since the last Assembly, copies sent to the different counties to be read in the several parish churches.

Jan. 5, 1643. * * * Commissions to treat with the neighboring plantations * * * of runaways and for settling this for the future. Va. nevertheless returned servants to Maryland. —P. 196.

Jan. 5, 1643. Course to prevent importation of too great a quantity of strong liquors from neighboring plantations. [P. 188.] Aug. 1, 1643, on same subject.—P. 201.

Jan. 5, 1643. Governor had a guard. Seven persons presented for not coming to guard him.—P. 188, 9.

Jan. 5, 1643. Capt. Wm. Claiborne had now returned and attended.—P. 189.

Jan. 4, 1643. Capt. Wm. Claiborne. He was now treasurer since the death of Roger Wingate (order concerning quit rents 189). Privileges of treasurer. [200.] Concerning the revenues and the treasurer's office.—P. 341, 2.

Jan. 8, 1643. The first man-child born in the colony proved guilty of a contempt of court, and was punished for it.—P. 194.

Punishment for speaking scandelous words of the King or queen.—P. 194, 233.

June 9, 1643. People outside of Potomac now taken under protection of government.—P. 196.

Jan. 10, 1643. Explanation of act for governor's accommodation.—P. 200.

Aug. 2, 1643. Judgement against a captain for bringing prisoners here when he had promised to take them elsewhere.—P. 204-5.

Oct. 7, 1643. Commissioner who challenged a counsellor disabled from holding his office.—P. 213, also 236.

Oct. 7, 1643. General rule as to taking depositions.—P. 214.

Oct. 8, 1643. A man * * * and kept to do execution upon delinquents. [P. 216.] Order amended.—P. 220.

Oct. 8, 1643. Wife ordered to take herself to her husband on penalty of being whipped.—P. 216.

Oct. 8, 1643. Order for examination of private parts in case of rape.—P. 220.

Oct. 8, 1643. Edmond Walker convicted of felony and robbing, pardoned on petition of Rosa Alleyn, she agreeing to marry him.

Oct. 12, 1643. Mode to compel payment of clerk fees. [p. 224.] Richard Lee[20] the clerk appointed attorney general.—P. 234.

Nov. 25, 1643. Assembly ordered for the first of March.—P. 234.

Genl. order N. 2. March 4, 1643.

Gov. & counsel took the oath of allegiance. [P. 349, 2 pages.] Comr's. added for Charles county [p. 374], for York [p. 374], Upper Norfolk [p. 442], James city.

Sheriff elected for Elizabeth city, York, Upper Norfolk, Charles City, Isle of Wight, Lower Norfolk, Northampton, Warwick, Henrico.

30 April, 1644. Order of governor for 4 score men at middle plantation.

30 April 1644. Lieutenants and deputy Lieutenants directed to be appointed for the several counties [p. 267, 8], names of those first appointed. Particular directions for marching against the Indians. [P. 374.] Deputy lieutenants added for various counties.

May, 1644. List to be presented to governor and counsel on the 1st Monday in June, of all persons from 16 to 60 with arms and ammunition by Lieutenants of several counties.

Provision for widows and orphans.

Concerning cattle and goods of persons lately slain by the indians.—P. 269.

Concerning servants of persons lately slain.—P. 269.

Punishment for improper language in time of War.—P. 269.

June, 1644. Furthur provision for appointment of Lieutenants and deputy lieutenants with particular instructions. [P. 298, 299.] Provision for various marches against the indians.—P. 299, 300.

General mention about planting of corn.—P. 279.

Order against sheriffs for right in regard to levies, &c.—P. 283.

General authority to resume [?] property and grants of land. P. 283.

Authority to trade with neighboring plantations.—P. 284.

Punishment for scandelous letters against the state and government.—P. 286, 287, 288, 293, 294, 450.

Claiborne's opinion different from the others in relation to the

propriety of war upon the indians between the Rappahannock and Potomac.—P. 289.

Last entry of Sr. Wm. Berkeley sitting as governor 12 of Jan., 1644, 22 Jan., 1644. Names of counsel. Order showing many prisoners then amongst the Indians and course to be pursued. P. 333.

First entry of Richard Kemp sitting as governor June 29, 1644.—P. 294.

June 29, 1644. Concerning the procurement of axes, spades, boats, provisions.—P. 294.

Aug. 5, 1644. Particulars of the return of the Pamunkey army and about raising another army.—P. 296, 297.

Aug. 6, 1644. Undertaking [?] of the governor of Maryland that none of inhabitants there shall trade with indians here.

Aug. 10, 1644. Meeting of lieutenants and deputy lieutenants and 50 soldiers levied to march against the Chickahominies.

Aug. 16, 1644. Assembly which had been adjourned to 15 of Nov., directed to be summoned for 1st of October.—P. 299.

Provision for Wm. Lucas & family, he having two other men with him.—P. 300, 301.

Sept. 3, 1644. Authority to go against the corn of the indians.—P. 301, also 301, 2.

As to going against the Rappahannocks.—P. 301.

Sept. 3, 1644. Concerning the riotous and rebellious conduct of Mrs. Wormeley's negroes. [P. 301, 302.] Also Oct. 10, 1644.—P. 319.

Oct. 14, 1644. Sentence of death passed upon Nathl. Moore, he being convicted of unnatural crimes. Oct. 15. Calf in case ordered to be burnt.—P. 328.

Oct. 15, 1644. Land granted Claiborne on Pamunky at the place he first landed against the indians.—P. 329.

July 6, 1644. Upon information from Claiborne, general of the Pamunky march, provisions directed to be procured.

July 6, 1644. Peas to be procured for the soldiers.—P. 330.

July 6, 1644. Meal to be procured for the soldiers.—P. 330.

July 6, 1644. Arrangement permitting lieutenants of York county to open letters from Claiborne to the Governor and counsel & send further provisions.—P. 330.

Levy directed for shot, ball & powder.—P. 331.

Aug. 28, 1644. Sheriff to attend at James city, Oct. 4, that levy may be appointed. [P. 331.] Provision for shoes, stockings, and other necessaries for the soldiers.—P. 331, 332.

Sept. 10, 1644. Persons apprehended for rebellion (perhaps Mrs. Wormeley's servants, Sept. 3),—P. 332.

Oct. 23, 1644. More soldiers to be levied and prepared to go against the indians.—P. 334.

Nov. 26, 1644. Parties to go after indians. [346.] Others prevented from going hunting.—P. 346.

Nov. 29, 1644. Power to sheriff of York to distrain for fees and country duties due sheriff of Warwick. Other provision for cases of removal.—P. 353.

Dec. 3, 1644. Lieut. Nicholas Stillwell[23] permitted to go against the indians.—P. 363.

1644-5, July 20. Assembly to be summoned for the 15 of Feby.—P. 365.

Men, powder and shot to be sent to middle plantation for defense of the forest.—P. 365, 6.

Fb. 20, 1644-5. Minister inducted for Pocoson.—P. 369.

1644, 5, Feb. 20. Proceeding against Argall, Yeardley[12] one of the Counsel, for contempt.

Feb. 20. Against John Gates for slandering the army.—P. 373.

Feb. 26. Further provision for soldiers against the indians. —P. 375.

Feb. 26. Commission to trade.

March 10. Provision for surgeons, ordinance * * * .—P. 380.

March 28. War orders. [P. 385, 6.] Nathaniel Littleton appointed commander of Accomack.—386.

April 3. Wages of the soldiers. [P. 394.] Men to go to fort * * * .—394.

April 3. Respect to Easter Holidays.—395, 6.

April 10. Sheriffs appointed for the different counties [403], to give security.—443.

To be called to account for the levy.—448.

April 19. Opn. [Opinion] of Cl. [Council] that record sale of cattle dosent bar the infant owners.—427.

April 25, May 13. Order at a counsel of war.—P. 432, 433.

June 4. Persons in service at the forts not to be liable to distress. [P. 44.] Council of War.—P. 450, 451, 452.

June 6. Concerning the government of the isle of Kent. Capt. Claiborne not to intermeddle with the government. Richard Thompson allowed to go there.—P. 443, 444.

June 7. Sudden arrival of Sr. William Berkeley.—P. 449.

June 16. Proceedings of a counsel of war at which Sr. Wm. Berkeley was present.—452, 453.

August 9. Proceedings of a counsel of war. [453, 4, 5.] Assembly to be summoned for 1st of October. [455.] Adjourned to 19th of Nov.—455, 6.

Sept. 4. Order of war.—455, 6.

Nov. 25. John Kemp ordered to be whipped for contempt of court.—P. 461, 2.

1646. Grant to Sr. William Berkeley, afterwards confirmed in 1664. Gen'l Ct. Book, Marked 2, 1660, 1664.—P. 405, 6.

1650. Grant of 20 of Sept. in 2d of Charles by the king himself to Thos. Lisle, John Fox & Gilbert Thornborough. Dated at St. Johnstons. In book of Judgements & orders, 1644 to 1670. (The king was then in Scotland.)

Gen'l Ct., book marked No. 2, 1660 to 1664, p. 116. Deed of the 30th of March, 1655, from Sr. Wm. Berkeley to Richard Bennett, Esq., governor of Virginia, for "my house in James city lately in the tenure of William Whitby[24] being the westernmost of the three brick houses which I then built. This conveyance for 27,500 pounds of tobacco. Anna, the daughter of Bennett, was married in 1660 to Theoderick Bland, of Westover, in Charles city county, and Bennett in 1662, conveyed the house to Bland.—P. 117.

Gen'l Ct. Orders, &c. 1654 to 1659. By Richard Bennett, Governor. Grant dated the 6th of April, 1654 to Edwin Conway[25] for 1,250 acres of land in the county of Lancaster on the South east side of Corotoman river, 1,000 acres part thereof having been formerly granted by patents dated the 6th of December, 1652.

(TO BE CONTINUED.)